

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHAEL E. CLARK,	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	2:09-CV-2272-JAD-GWF
	)	
JOHN THOMAS,	)	MINUTES OF THE COURT
	)	
<u>Defendant(s).</u>	)	<u>DATED: July 8, 2014</u>

PRESENT: HONORABLE JENNIFER A. DORSEY, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Donna Sherwood REPORTER: Felicia Zabin

COUNSEL FOR PLAINTIFF(S): Michael E. Clark, Pro Se

COUNSEL FOR DEFENDANT(S): Denise McKay, Andrea Barraclough

PROCEEDINGS: **JURY TRIAL (Day 1)**

9:00 a.m. Court convenes.

The Court and parties confer on various pre-trial issues.

9:25 a.m. Court reconvenes in the presence of thirty-six prospective jurors. All parties are present.

The prospective jurors are sworn.

The Court makes introductory remarks and voir dire commences.

10:40 a.m. Prospective jurors admonished and excused.

10:50 a.m. Court reconvenes outside the presence of the prospective jurors. All parties are present.

The Court advises the parties the Court will excuse the juror who had the outburst before the break and then bring the rest of the jurors back into the courtroom.

Ms. McKay discloses Mr. Thomas works for a security firm, but not the same one Mr. McEwen owns.

The Court will have a sidebar with Mr. McEwen to make sure it is not a related company.

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10:55 a.m. Court reconvenes in the presence of the prospective jurors. All parties are present.

On inquiry by the Court, none of the prospective jurors indicate they were influenced by the juror who had an outburst before the break.

Voir dire commences.

11:10 a.m. The parties exercise peremptory challenges.

Unselected jurors are excused.

Selected jury is sworn.

The Court instructs the jury on the order of trial proceedings.

11:30 a.m. Jury admonished and excused to return at 1:00 p.m.

1:00 p.m. Court reconvenes outside the presence of the jury. All parties are present.

Defense counsel have a few questions for the Court relating to exhibits.

The Court advises Mr. Clark his Motion in Limine [166] is beyond the thirty day deadline for the filing of motions in limine. **IT IS THEREFORE ORDERED** [166] Plaintiff's Motion in Limine is **DENIED**.

The Court questions Mr. Clark as to some of the statements contained in this motion such as that the Court is "bullying" him.

1:16 p.m. Court reconvenes in the presence of the jury. All parties are present.

Opening statements are presented by Mr. Clark on his own behalf and Ms. McKay on behalf of the defendant.

**SCHERRIE CLINKSCALES**, called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Clark, cross examination by Ms. McKay and redirect examination by Mr. Clark, then is excused. **Defendant's Exhibit 519 is marked and admitted in evidence.**

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**CORRECTIONS OFFICER JERRY MASON**, called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Clark and cross examination by Ms. Barraclough.

2:35 p.m. Jury admonished and excused. Court stands at recess.

3:00 p.m. Court reconvenes in the presence of the jury. All parties are present.

**CORRECTIONS OFFICER JERRY MASON**, having previously been sworn, resumes the stand and testifies further on cross examination by Ms. Barraclough, redirect examination by Mr. Clark and recross examination by Ms. Barraclough then is excused. **Defendant's Exhibit 527 is marked and admitted in evidence.**

**Defendant's Exhibit 528, the videotaped deposition of Dalvon Terry, is marked and admitted and published to the jury.**

**IT IS ORDERED** the Jury Trial is continued to Wednesday, July 9, 2014, at 9:00 a.m.

Jury admonished and excused.

The Court and parties confer on remaining witnesses. The Court instructs the parties to plan on settling jury instructions around noon tomorrow and then proceeding with closing arguments.

5:00 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By:

/s/

Donna Sherwood, Deputy Clerk